

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

AL-DUQUAN LEE,	:	
	:	Civil Action No. 12-5057 (JLL)
Petitioner,	:	
	:	
v.	:	MEMORANDUM OPINION
	:	
BEVERLY HASTINGS, et al.,	:	
	:	
Respondents.	:	

APPEARANCES:

Petitioner pro se
Al-Duquan Lee
East Jersey State Prison
Rahway, NJ 07065

LINARES, District Judge

Petitioner Al-Duquan Lee, a prisoner confined at East Jersey State Prison in Rahway, New Jersey, has filed a Petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, challenging his conviction for manslaughter and related charges.

The filing fee for a petition for writ of habeas corpus is \$5.00. Pursuant to Local Civil Rule 54.3(a), the filing fee is required to be paid at the time the petition is presented for filing. Pursuant to Local Civil Rule 81.2(b), whenever a prisoner submits a petition for writ of habeas and seeks to proceed in forma pauperis, that petitioner must submit (a) an affidavit setting forth information which establishes that the petitioner is unable to pay the fees and costs of the

proceedings, and (b) a certification signed by an authorized officer of the institution certifying (1) the amount presently on deposit in the prisoner's prison account and, (2) the greatest amount on deposit in the prisoners institutional account during the six-month period prior to the date of the certification. If the institutional account of the petitioner exceeds \$200, the petitioner shall not be considered eligible to proceed in forma pauperis. Local Civil Rule 81.2(c).

Petitioner did not prepay the \$5.00 filing fee for a habeas petition as required by Local Civil Rule 54.3(a). Petitioner submitted a certified copy of his institutional account statement, but did not submit an application or affidavit detailing his other assets and liabilities or otherwise establishing his need to proceed in forma pauperis.

In addition, the Court notes that the Petition is not signed as required by the Federal Rules of Civil Procedure. See Fed.R.Civ.P. 11.

CONCLUSION

For the reasons set forth above, the Clerk of the Court will be ordered to administratively terminate the Petition without prejudice. Petitioner will be granted leave to apply to re-open within 30 days, by either prepaying the filing fee or submitting a complete application for leave to proceed in forma pauperis setting forth all of his assets and liabilities. Petitioner does

not need to resubmit the certified institutional account statement. Any application to re-open this matter must be accompanied by a signed copy of the Petition.

An appropriate Order will be entered.

Date: August 22, 2012

S/ Jose L. Linares
Jose L. Linares
United States District Judge